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REMARKS

Claims 1-2, 5-11, 13-19, 22-23, and 25-26 are pending in the application. In response to the office action, applicants have amended claim 18. Claims 1-2, 5-11, 13-19, 22-23, and 25-26 remain pending for reconsideration.

Applicants are disappointed that a newly assigned Examiner has not extended full faith and credit to the prior Examiner's decision, as required by MPEP §§ 704.01 and 706.04.

Applicants have amended claim 18 editorially to improve the claim language. Applicants note that the present amendment is a broadening amendment and no claim scope or equivalents is surrendered by way of the present amendment. No new matter has been added.

Claims 1-2 and 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,023,610 (Wood) in view of U.S. Patent No. 4,509,039 (Dowdle). Applicants respectfully traverse this rejection for the following reasons.

The Examiner admits that Wood fails to disclose coil antennas having single turn coils and cites Dowdle for the missing teaching, relying on col. 2, lines 27-32. However, as recited in claim 1 the two antennas emit detection signals whereas in the cited portion of Dowdle, only the receiving antenna includes a single turn coil while the transmitting antennas utilizes a figure 8 structure. Accordingly, Dowdle fails to make up for the deficiency in Wood.

Moreover, Dowdle relates to the large theft detection systems which are ubiquitous at retail stores. For example, col. 3, lines 26-30 of Dowdle describe the housing as being 5 feet tall. One of ordinary skill in the art would not be motivated to modify Wood to include single turn coil antennas which are 5 feet tall.

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Because Dowdle fails to make up for the admittedly missing teaching from Wood, and because one of ordinary skill in the art would not be motivated to modify Wood with the antennas of Dowdle, claim 1 is patentable over Wood in view of Dowdle. Dependent claims 2 and 5-8 are likewise patentable.

Claim 2 is separately patentable for at least the following additional reasons. Claim 2 recites the multiplexer is to activate periodically the first and the second antennas. The office action asserts that Wood discloses this recitation in col. 14, lines 36-51 and col. 15, lines 4-7. However, this is incorrect.

Applicants first note that this assertion is factually inaccurate. Nothing in the cited portion describes periodically activating the two antennas X1 and X2. In contrast to the present invention, Wood is directed to a diversity system where multiple combinations of transmitting and receiving antennas are utilized to establish communication. The cited portion simply describes one method of re-combining the different transmitting / receiving pairs until communication is established. Subsequent combinations are attempted only if successful communication is not established. In any event there is no period or regularity with which the two antennas X1 and X2 are activated, simply because the object of the diversity system in Wood is entirely different than that of the invention as recited in claim 2.

Accordingly, the rejection of claim 2 fails and claim 2 is separately patentable over Wood in view of Dowdle.

Claims 9-11, 18, 19, 22, 23, 25, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of U.S. Patent Publication No. US 2003/0122655 (Hum). Applicants respectfully traverse this rejection for the following reasons.

Claim 9 recites, among other things, a toy figurine including an RF transponder and a program adapted to determine a location of the toy figurine on a play device. Claim 22 recites an RF transponder on a toy and determining a location on a play device of the

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RF transponder on the toy. Neither of the cited references is even remotely related to toys or play devices. A simple word search reveals that neither reference even mentions the word "toy" or "play." Wood appears to relate to RFID badges and Hum appears to relate to wearable RFID tags. The Examiner has not identified any proper motivation, coming from the references and not applicants' own disclosure, which suggests modifying Wood or Hum to become a toy set including a toy figurine on a play set. Quite simply, one of ordinary skill in the art having before them only the Wood and Hum references, would not be motivated to combine the two references to construct a toy set including a toy figurine and a play device, absent the teachings of the present disclosure.

The office action asserts that Wood shows a set (10) comprising a toy figurine (12). This is a factually inaccurate statement. The office action relies on the general teaching at col. 4, lines 17-18 of Wood that the device 12 "can be included in any appropriate housing or package" and the further general teaching at col. 2, lines 6-9 of Wood that tag devices may be mounted on essentially anything and everything. However, these broad, generic statements do not teach or suggest the specific recitations of the present claim. Quite simply, Wood does not teach placing an RF transponder on a toy figurine for use on a play device.

The office action admits that Wood fails to teach or suggest a program adapted to determine a location of the toy figurine on a play device and relies on Hum for this missing teaching. The office action asserts that Hum discloses "a transponder, which can be attached to a toy." Again, this is a factually inaccurate statement as Hum makes no reference whatsoever to a toy or a transponder attached to a toy. Moreover, Hum is completely silent with respect to a play device or determining the location of anything on a play device. The cited portion of Hum, namely paragraph 13, merely describes some sort of anti-collision protocol that does not appear to be related in anyway to the claimed subject matter.

Because the office action fails to establish a prima facie case of obviousness and because one of ordinary skill in the art would not be motivated to combine Wood and

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Hum in the manner asserted in the office action, claims 9 and 22 are patentable over Wood in view of Hum. Claims 10-11 depend from claim 9 and are likewise patentable. Claims 23, 25, and 26 depend from claim 22 and are likewise patentable.

Claim 26 recites multiplexing the antenna drive signal is performed periodically. For at least the reasons given above with respect to claim 2, the cited portion of Woods does not teach periodically multiplexing the antennas X1 and X2. Accordingly, claim 26 is separately patentable.

With respect to claim 18, the office action completely overlooks the recitations of claim 18. The office action lumps claims 9, 18, and 22 together, but fails to identify even a single recitation of claim 18 in the analysis. MPEP § 706.02(j) clearly states that "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given a fair opportunity to reply." If any rejection of claim 18 is maintained, applicants respectfully request a new non-final action setting forth the Examiner's basis for the rejection, so that applicants have a fair opportunity to reply to the same.

Applicants note that claim 18 is a method claim which does not identically correspond to claim 9 or claim 22. For example, the office action completely overlooks the recited "looking up a location of the antenna that received the return signal." Accordingly, the office action fails to establish a prima facie case of obviousness with respect to claim 18. Dependent claim 19 is likewise patentable.

Claims 13, 14, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of U.S. Patent No. 4,691,202 (Denne). Applicants respectfully traverse this rejection for the following reasons.

Claim 13 recites, among other things, a play device, a first toy to place on the play device, and a second toy to place on the play device. None of the cited references

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individually or in combination teach or suggest these claim recitations. Accordingly, the office action fails to establish a prima facie case of obviousness.

Moreover, one of ordinary skill in the art would not be motivated to modify the references in the manner asserted in the office action. Neither of the cited references is even remotely related to toys or play devices. A simple word search reveals that neither reference even mentions the word "toy" or "play." Wood appears to relate to RFID badges and Denne appears to relate to a general RFID system. The Examiner has not identified any proper motivation, coming from the references and not applicants' own disclosure, which suggests modifying Wood or Denne to become a toy set including a toys to be placed on a play device. Quite simply, one of ordinary skill in the art having before them only the Wood and Denne references, would not be motivated to combine the two references to construct a toy set including toys to be placed on a play device, absent the teachings of the present disclosure.

The office action asserts that Wood shows a play device (20), a first toy (12) to place on the play device (20), and a second toy (12) to place on the play device (20). This is a factually inaccurate statement of the teachings of the reference. Applicants note that Wood does not teach or suggest having multiple devices 12 in a single housing 20. In fact, Wood teaches away from doing so because each device 12 must be uniquely associated with its housing (e.g. an ID badge).

The office action admits that Wood fails to teach or suggest identifying a first return signal with a first toy and a second return signal with a second toy, and relies on Denne for this missing teaching. The office action asserts that Denne discloses "an identification system in which a plurality of transponders, which can be associated with different toys, transmit respective identification signals." This is a factually inaccurate statement as Denne makes no mention of toys.

Because neither Wood nor Denne, individually or in combination teach or suggest the recited play device, first toy to be placed on the play device, or second toy to be

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placed on the play device, and because one of ordinary skill in the art would not be motivated to modify Wood with the teaching of Denne as asserted in the office action, claim 13 is patentable over Wood in view of Denne. Dependent claims 14 and 17 are likewise patentable.

Claims 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Denne and further in view of Hum. Applicants respectfully traverse this rejection for the following reasons.

Claim 15 and 16 depend from claim 13 and are therefore patentable for at least the reasons given above with respect to claim 13.

The rejection is not understood. The office action completely overlooks the recitations of claim 15 and 16. The office action purports to reject claims 15 and 16 for the same reasons as claims 9 and 13. MPEP § 706.02(j) clearly states that "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given a fair opportunity to reply." If any rejection of claims 15 or 16 is maintained, applicants respectfully request a new non-final action setting forth the Examiner's basis for the rejection, so that applicants have a fair opportunity to reply to the same.

Applicants note that claims 15 and 16 do not identically correspond to claim 9. Accordingly, the office action fails to establish a prima facie case of obviousness with respect to claims 15 and 16. In any event, Hum is completely silent with respect to a play device or determining the location of anything on a play device.

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In view of the foregoing, favorable reconsideration and withdrawal of the rejections is respectfully requested. Early notification of the same is earnestly solicited. If there are any questions regarding the present application, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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